



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 4, 1995

Mr. Blake G. Powell  
Henslee, Ryan & Groce  
9600 Great Hills Plaza  
Suite 300 West  
Austin, Texas 78759-6303

OR95-248

Dear Mr. Powell:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 30511.

The Bangs Independent School District (the "school district") received an open records request for "copies of each and every bill for services received by Bang ISD from the firm of Henslee, Ryan & Groce, P.C. since November 15, 1993." You contend that pursuant to section 552.103(a) of the Government Code the school district may withhold from required public disclosure the portion of the requested fee bills that describes the services rendered.

Section 552.103(a) applies to information:

(1) relating to litigation of a civil or criminal nature or settlement negotiations, to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person's office or employment, is or may be a party; and

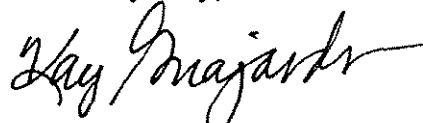
(2) that the attorney general or the attorney of the political subdivision has determined should be withheld from public inspection.

To secure the protection of section 552.103(a), a governmental body must demonstrate that requested information "relates" to a pending or reasonably anticipated judicial or quasi-judicial proceeding. *See* Open Records Decision No. 588 (1991). In this instance you have made the requisite showing that the requested information relates to pending litigation for purposes of section 552.103(a). The school district may withhold the description of services portion of the requested fee bills, but only if the descriptions relate to the pending litigation. The school district may not withhold the descriptions that do not relate to the pending litigation. We have marked a few entries on the June 1, 1994 bill that do not appear to relate to the pending litigation. We also note that in the redacted version of the bills that you enclosed, you redacted information for which section 552.103 is inapplicable. We have marked three of the bills to indicate the information the school district may withhold from disclosure under section 552.103(a).

We note that if the opposing parties in the anticipated litigation have seen or had access to any of the information in these records, there would be no justification for now withholding that information from the requestor pursuant to section 552.103(a). Open Records Decision Nos. 349, 320 (1982). In addition, the applicability of section 552.103(a) ends once the litigation has been concluded. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982).

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay H. Guajardo  
Assistant Attorney General  
Open Government Section

KHG/tho

Ref.: ID# 30511

Enclosures: Marked documents

cc: Mr. Jefferson K. Brim, III  
Brim, Arnett & Judge, P.C.  
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(w/o enclosures)